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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001613

SIPDIS

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SUBJECT: KEY ANTI-CORRUPTION COMMISSION FACES INCREASED PRESSURE

REF: JAKARTA 1601 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

**¶1.** (C) SUMMARY: The Indonesian police have charged Corruption Eradication Commission (KPK) officials with alleged abuse of power and the KPK has suspended them from their duties. The charges are the latest twist in ongoing jousting between elements of the GOI about the activities of the KPK. The actions of the police have generated blowback from civil society, which sees the charges as flimsy. While working to ease bureaucratic tensions, President Yudhoyono has issued an emergency decree appointing replacement commissioners to try to fill the void in KPK leadership. Overall, the ongoing turbulence is making it harder to maintain momentum on the anti-corruption front. END SUMMARY.

POLICE CHARGE TWO KEY OFFICIALS

**¶2.** (SBU) Indonesia's key anti-corruption commission has taken another hit. Two KPK commissioners, Deputy Chair for Enforcement Chandra Hamzah and Deputy Chair for Investigation Bibit Samad Rianto, have been charged by the Indonesian National Police (INP) with abuse of power in imposing and then lifting of travel bans for corruption suspects, and for alleged extortion of a corruption suspect. Both commissioners were immediately suspended by the KPK pending resolution of the charges. The two men face penalties ranging from four years to life imprisonment if convicted.

**¶3.** (SBU) Given the latest suspensions, the KPK is experiencing a leadership vacuum. In addition to commissioners Hamzah and Rianto, the police arrested the former head of the KPK Antasari Azhar in May for his alleged involvement in a headline gripping murder scandal. The latest twist leaves the KPK with two remaining commissioners out of the original five.

CIVIL SOCIETY HITS OUT AT POLICE

**¶4.** (C) Civil society has criticized the police for charging the two commissioners. Contacts have told us that they think the charges are "flimsy" and an effort by the police to muzzle the KPK because they do not like its anti-corruption activities. Echoing this view, well-regarded Constitutional Court Chief Justice Mohammad Mafud has publicly stated that the police action against the two commissioners was "a mistake." He asserted that "a procedural matter" should not be criminalized and that this case could create a dangerous

precedent as the police may feel justified in arresting other officials "for doing their jobs." In the meantime, KPK attorney Bambang Wijoyanto has filed a formal complaint against the head of the police's criminal investigative division, Susno Duadji, claiming unlawful arrest.

#### PRESIDENT STEPS IN

¶15. (SBU) President Yudhoyono has taken steps to address the deteriorating situation. He recently issued a regulation-in-lieu-of-law to fill the KPK power void. The regulation would allow for the appointment of replacements for the three suspended commissioners. The government has formed an ad-hoc selection team, consisting of the Minister of Law and Human Rights, the chairman of Transparency International and other prominent Indonesians, to appoint the temporary commissioners. The team has been given a short deadline and must submit a list of names to the President's Office by October 1. According to the State Secretary, the President wants to have the KPK replacement commissioners sworn in to office on October 2. GOI officials have told us that they are also working hard behind the scenes to ease bureaucratic tensions within the government over the KPK and its anti-corruption efforts.

¶16. (C) Finding temporary replacements for the commissioners is not easy. According to Todung Mulya Lubis, chair of Transparency International and a member of the KPK selection team, the majority of candidates identified as temporary replacement commissioners have turned down the offer out of fear that they will become "police targets." Seven of the ten potential replacements approached by the selection team have declined the offer, he added.

¶17. (SBU) Some civil society groups and anti-corruption

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advocates have opposed the emergency decree. Indonesia Corruption Watch legal coordinator Febri Diyansyah has publicly criticized the plan, claiming that the acting commissioners would be indebted to the President and "not truly independent." Teten Masduki, the Secretary General of Transparency International, has also publicly questioned the President Office's motives in issuing the emergency decree, claiming that it could undermine the independence of the commission.

#### TRYING TO MAINTAIN ANTI-CORRUPTION TRACTION

¶18. (C) The President clearly wants to maintain traction on the anti-corruption front. The fight against corruption is a key issue for him and one that helped him gain his large-scale re-election victory in July. That said, even leaving aside the latest arrests, the KPK is feeling beleaguered to put it mildly. There are, for example, two pending bills in Parliament which could significantly curb the KPK's authority. The administration will have to take additional steps to bolster the KPK if the organization's independence is to be rigorously maintained and anti-corruption efforts are to move forward.

HUME